STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED March 21, 2006
v	No. 259183 Wayne Circuit Court
DEONO TERRELL ABRAM, Defendant-Appellant.	LC No. 04-006917-01

Before: Neff, P.J., and Saad and Bandstra, JJ.

PER CURIAM.

Defendant appeals as of right his bench trial convictions of four counts of first-degree criminal sexual conduct (CSC I), MCL 750.520b(1)(f), and his sentences of 18 to 60 years in prison. We affirm.

The victim, defendant's wife, testified that she and defendant argued, and that defendant forced her to disrobe, slapped and choked her, forced her to perform fellatio on him by threatening to strike her in the head with a hammer if she refused, inserted a hammer and a wrench into her vagina, and engaged in vaginal and anal intercourse with her. Defendant attempted to insert a hot curling iron into the victim's vagina, but she managed to prevent him from doing so. The curling iron burned her vaginal area and her buttocks. Defendant then beat the victim with an extension cord.

The trial court found the victim's testimony to be credible, and convicted defendant of four counts of CSC I and one count of assault with intent to commit sexual penetration, MCL 750.520g(1). The sentencing guidelines recommended a minimum range of 11 years, 3 months to 18 years, 9 months for defendant's convictions of CSC I. The trial court sentenced defendant to concurrent terms of 18 to 60 years for CSC I, and 5 to 10 years for assault with intent to commit sexual penetration.

When reviewing a challenge to the sufficiency of the evidence in a bench trial, we view the evidence presented in a light most favorable to the prosecution, and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Vaughn*, 186 Mich App 376, 379; 465 NW2d 365 (1990). The trier of fact may make reasonable inferences from evidence in the record, but may not make inferences completely unsupported by any direct or circumstantial evidence. *Id*. at 379-380.

In a bench trial, the court must make findings of fact and state separately its conclusions of law. MCR 6.403. Findings are sufficient if it appears that the trial court was aware of the issues in the case and correctly applied the law. *People v Smith*, 211 Mich App 233, 235; 535 NW2d 248 (1995). The sufficiency of findings must be reviewed in the context of the specific legal and factual issues raised by the parties and the evidence. *People v Rushlow*, 179 Mich App 172, 177; 445 NW2d 222 (1989). If findings are insufficient, a remand for additional findings is necessary. *People v Porter*, 169 Mich App 190, 193; 425 NW2d 514 (1988). A trial court's findings of fact are reviewed for clear error. MCR 2.613(C). A finding is considered to be clearly erroneous if, after a review of the entire record, we are left with the firm and definite conviction that a mistake was made. *People v Gistover*, 189 Mich App 44, 46; 472 NW2d 27 (1991).

A defendant is guilty of CSC I if he caused personal injury to the victim and force or coercion was used to accomplish sexual penetration. MCL 750.520b(1)(f). "Personal injury" includes both bodily injury and mental anguish. MCL 750.520a(l). Bodily injury need not be permanent or substantial. A single infliction of physical injury can support multiple convictions of CSC I based on multiple penetrations occurring within a single episode. *People v Mackle*, 241 Mich App 583, 597-598; 617 NW2d 339 (2000). Mental anguish may be established by evidence from which a rational trier of fact could conclude beyond a reasonable doubt that the victim suffered extreme or excruciating pain, distress, or suffering of the mind. *Id*. at 596-597.

Defendant argues that his convictions of CSC I must be reversed because insufficient evidence was produced to establish that the victim suffered personal injury.[1] We disagree. The victim testified that defendant forced her to perform fellatio, and threatened to strike her with a hammer if she disobeyed him. She believed that defendant would carry through with his threat if she failed to follow his commands. In addition, throughout the episode, defendant slapped and choked the victim. This evidence, cited by the trial court in its findings, established that the victim suffered personal injury as that term is defined. MCL 750.520a(l); *Mackle, supra*. The trial court did not expressly refer to the personal injury element of the offense of CSC I when making findings of fact and conclusions of law; however, the trial court's recitation of the evidence and the conclusions it drew from the evidence demonstrate that the trial court was aware of the issues in the case, and correctly applied the law. *Smith*, *supra*; *Rushlow*, *supra*. The evidence produced was sufficient to support defendant's convictions of CSC I, and a remand for further findings is unnecessary.

Defendant next argues that he is entitled to resentencing because his minimum terms of 18 years for CSC I are disproportionate to his circumstances and those of the offenses. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990). We disagree. Under the sentencing guidelines act, if a minimum sentence is within the appropriate sentencing guidelines range, we must affirm the sentence and may not remand for resentencing absent an error in the scoring of the guidelines or inaccurate information relied on by the trial court in determining the sentence. MCL 769.34(10); *People v Kimble*, 470 Mich 305, 309; 684 NW2d 669 (2004). Defendant's

[1] Defendant does not challenge his conviction of assault with intent to commit sexual penetration.

minimum sentences of 18 years for CSC I were within the guidelines. Defendant does not challenge the scoring of the guidelines or the information relied on by the trial court in imposing sentence. We affirm defendant's sentences.

We affirm.

/s/ Janet T. Neff
/s/ Henry William Saad
/s/ Richard A. Bandstra